

REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are respectfully requested.

By the foregoing amendment, claims 1, 2, 6 and 10 have been amended and new claims 31-36 have been added. Support for such amendments can be found throughout the originally filed application. Hence, no new matter has been added.

Claim 6 has been amended to insert Sequence ID Numbers for peptides (b) and (c). Peptide (d) is a tri-peptide and, being less than four amino acids in length, is not required to be listed in the Sequence Listing.

Claim 10 has been amended to correct the typographical error noted by the Examiner.

The Examiner has objected to claim 22 as being of improper dependent form, on the grounds that the claim states that at least one amino acid is a D amino acid, whereas "the base claims state that both Phe and Glu or Ala are D amino acids." It is respectfully submitted that the Examiner is in error. Claim 22 is dependent on claim 6, which does not refer to D amino acids. The claim which states that Phe and Glu or Ala are D amino acids is claim 10. Claim 22 is not dependent on claim 10. Claim 22 is thus properly dependent.

Claims 2, 5-6, 9-10 and 22-30 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the grounds that the variables X¹ and X³ in claim 2 are not defined. Claim 2 has been amended to define X¹ as phenyl alanine. The Examiner is

in error in suggesting that X³ is not defined in claim 2 as it is clearly defined as threonine. The amendment of claim 2 has therefore overcome this rejection of claim 2 and its group of dependent claims. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Claims 1 and 12 have also been rejected under 35 U.S.C. § 102(b) as being anticipated by Abramowitz-Kurn et al., on the grounds that this reference discloses the peptide, Phe-Ala-Ala-Ala. This rejection is respectfully traversed. However, in order to expedite prosecution of this application, claim 1 has been amended to exclude the cited tetrapeptide. It is respectfully submitted that claim 12 is not anticipated by Abramowitz-Kurn et al. as this claim is directed to pharmaceutical compositions comprising various peptides, including the peptide Phe-Ala-Ala-Ala, whereas there is no suggestion in the cited reference that the peptide Phe-Ala-Ala-Ala is useful as a pharmaceutical composition. In view of the above, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102(b).

Finally, it is noted that the Examiner has allowed claims 7-8, 11 and 13-15.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be in order. Such action is earnestly solicited.

Application Serial No. 09/051,395
Attorney's Docket No. 024916-006

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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